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Letter dated 31 July 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the President of the Security Council

I have been instructed by my Government to bring to your attention the lack of legal basis of the sanctions of the European Union (EU) imposed on the Federal Republic of Yugoslavia and the enormous damage they have caused to the economy and society of my country.

The United Nations sanctions were imposed on the Federal Republic of Yugoslavia by Security Council resolution 757 (1992) of 30 May 1992. Following the conclusion of the Dayton/Paris Agreement, they were suspended by Security Council resolution 1022 (1995) of 22 November 1995 and lifted altogether by Security Council resolution 1074 (1996) of 1 October 1996, after the elections in Bosnia and Herzegovina. On that date the sanctions against the Federal Republic of Yugoslavia ceased to formally and legally exist.

Beginning in 1998, the European Union imposed its own sanctions on the Federal Republic of Yugoslavia, without a legal grounding in any document of the legal system of the United Nations. They constitute a unilateral act made in bad faith and contrary to the Preamble of the Charter of the United Nations, which, *inter alia*, says that "We the peoples of the United Nations determined ... to promote social progress and better standards of life in larger freedom" and ... "to employ international machinery for the promotion of the economic and social advancement of all peoples", and the Purposes and Principles of the United Nations, in particular the principle of non-interference into the internal affairs of States.

The EU sanctions are contrary to Article 41 of the Charter under which "The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other mean of communication, and the severance of diplomatic relations."

Article 52 of the Charter says that "regional arrangements" can be made to deal with "such matters relating to the maintenance of international peace and security", provided that such arrangements ... and their activities are consistent with the Purposes and Principles of the United Nations." It goes on to say that "the Members of the United Nations entering into such arrangements ... shall make every effort to achieve pacific settlement of local disputes through such regional arrangements ... before referring them to the Security Council." The sanctions

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imposed on the Federal Republic of Yugoslavia by the European Union as "regional arrangements" have never been referred to the Security Council.

The EU sanctions are contrary also to the goals of the 1966 International Covenant on Economic, Social and Cultural Rights, in the Preamble of which it is pointed out that "the ideal of free human beings ... can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights ...". In Article 5 it is said that "Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant." They also violate the basic principles of other international documents, including those of the World Trade Organization, the Organization for Security and Cooperation in Europe and the Council of Europe, regulating free trade and a free flow of goods and capital and a free movement of people.

The most recent decision of the European Union, No. 1440/2000 of 30 June 2000, strengthened financial sanctions against the Federal Republic of Yugoslavia. The publication of the so-called "White list" with 190 firms in the Federal Republic of Yugoslavia which are allowed transactions with partners in EU member States constitutes a flagrant violation of the basic rights in the field of free movement of goods and capital. It discriminates against economic subjects in the Federal Republic of Yugoslavia on the basis of anti-democratic, political criteria, the aim of which is also to cause internal splits and divisions. This is a blatant violation not only of human rights but also of the rights to life, to work, to development and education, as well as the right to association of economic and social factors in a sovereign European country.

All EU member States supported General Assembly resolution 54/172 of 17 December 1999, relative to human rights and unilateral coercive measures, which proceeds from opposition to all pressures and sanctions which are not based on international law. The sanctions against the Federal Republic of Yugoslavia are precisely such unilateral, legally unfounded measures which make no contribution to peace, which otherwise is an obligation of all United Nations Member States.

Alongside the 1999 NATO aggression against the Federal Republic of Yugoslavia, the EU sanctions stopped and hindered a stable and dynamic economic development of the Federal Republic of Yugoslavia, market-oriented and based on domestic resources. The production and the overall social product of the Federal Republic of Yugoslavia plunged drastically and created great difficulties in the financing of private and public consumption. Privatization financed from abroad also came to a halt.

In the social sphere, unemployment rose and the living standard of the population fell. Wages, pensions and social benefits plummeted. It is estimated that over 80 per cent of the population lives at the subsistence level. The situation in the fields of education, health and ecology and in many other areas has deteriorated.

Despite a diminished social product, the Federal Republic of Yugoslavia continues to provide, at great cost to its own population, a high level of humanitarian assistance to almost 1 million refugees from the former Yugoslav republics and displaced persons from Kosovo and Metohija, the autonomous

province of the Yugoslav constituent Republic of Serbia. It should also be pointed out that the assistance of the international community accounted for only 10 per cent of the overall expenses of their accommodation.

The EU sanctions affect also neighbouring countries and all of south-eastern Europe. They are a great impediment to the development of that region and have accounted for the persistence of lasting instability there. They have blocked regional cooperation, which is not in the interest of Europe as a whole.

Along with political, economic, media and other pressures, the EU sanctions have become an instrument of some important and powerful EU member States for organizing, financing and otherwise furthering destabilization in the Federal Republic of Yugoslavia, aimed at changing its Government through illegitimate means. They amount to an attack against the Constitution of the Federal Republic of Yugoslavia and an attempt to topple its legitimate Government, contrary to the will of the people, expressed at free elections, as well as an attack on the sovereignty and territorial integrity of the Federal Republic of Yugoslavia.

The continuation of the EU sanctions impedes the efforts to alleviate the consequences of the NATO destructive aggression on the Federal Republic of Yugoslavia. The losses sustained by the Federal Republic of Yugoslavia due to the imposition of the EU sanctions and the NATO aggression amount to over US$ 150 billion.

Considering that the EU sanctions against the Federal Republic of Yugoslavia are not based on international law, that they hinder the development of the Federal Republic of Yugoslavia, as well as the development and stability of the region, and that they are contrary to the purposes and principles of the Charter of the United Nations, the Government of the Federal Republic of Yugoslavia calls upon the Security Council to consider the lack of legal basis of the continued imposition of the sanctions, declare them illegal and propose that they be urgently lifted.

The Government of the Federal Republic of Yugoslavia reserves the right to take appropriate measures to protect its interests and to request material and other indemnity from the European Union in court.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Vladislav **Jovanovic**
Chargé d'affaires a.i.